

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

EUGENE CARVALHO, :
Petitioner : **CIVIL ACTION NO. 1:12-0056**
v. : **(KANE, C.J.)**
(MANNION, M.J.)

BRIAN COLEMAN, Superintendent :

Respondent :

REPORT AND RECOMMENDATION

The petitioner, an inmate at the State Correctional Institution Fayette, Labelle, Pennsylvania filed his Petition for Writ of Habeas Corpus on January 10, 2012. (Doc. No. [1](#)). On that same day the petitioner filed a motion to proceed *in forma pauperis* on an improper form. (Doc. No. [2](#)). On January 12, 2012, this Court issued an order instructing the petitioner to file the proper *in forma pauperis* form which was sent to the petitioner with the order or pay the proper filing fee. (Doc. No. [4](#)). On January 30, 2012 the filing fee was received by the Clerk. On February 27, 2012 this court issued an order instructing the petitioner to file an amended petition and to file it on the appropriate forms, which were provided. (Doc. No. [7](#)) In that order the Court made the petitioner aware that failure to return the completed form in the allotted time will result in a recommendation that the petition be dismissed. The Court notes that since that time, this action has remained inactive on the Court's docket.

In the instant action, the Court cannot properly control its docket, move

this action forward and properly protect the rights of all parties if the petitioner fails to comply with orders issued by this Court. Moreover, such conduct should not be condoned in light of the large prisoner dockets presently pending before the federal courts, all of which require prompt and thorough review.

The petitioner's failure to comply with this Court's order, justifies dismissal of his action.

On the basis of the foregoing, **IT IS RECOMMENDED THAT:**

the instant action be **DISMISSED**.

s/ Malachy E. Mannion
Malachy E. Mannion
United States Magistrate Judge

DATED: May 14, 2012

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